

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

United States of America

Plaintiff

v.

\$1,646.64 in U.S. Currency

Defendants

CIV. NO. 14-1231 (PG)
related to CRIM. No. 13-845 (GAG)

ORDER

The Government filed the Verified Complaint for Forfeiture in Rem on March 19, 2014. On that same date, the Government filed a Motion to Stay the civil forfeiture proceedings until the related criminal case was resolved. Docket No. 3. The criminal case in question is USA v. Aury Hernandez, Case No. 13-845[3] (GAG).

On April 6, 2015, Judgment was entered as to defendant Aury Hernandez. Docket No. 149 of Crim. No. 13-845. More than 6 months have elapsed and the Government has not yet appeared to lift the stay or request any further relief in this case.

An involuntary dismissal may result under Rule 41(b) of the Federal Rules of Civil Procedure "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order." Fed. R. Civ. P. 41(b). "The authority of a federal trial court to dismiss a plaintiff's action ... because of his failure to prosecute cannot seriously be doubted." Link v. Wabash R.R., 370 U.S. 626, 629 (1962). "This power, which is of ancient origin ... is a necessary component of the authority and responsibility of the district courts to establish orderly processes and manage their calendars." Pomales v. Celulares Telefonica, Inc., 342 F.3d 44, 48 (1st Cir. 2003) (internal quotation marks omitted) (citing Young v. Gordon, 330 F.3d 76, 81 (1st Cir. 2003)). "[T]he district court's decision to dismiss a claim for failure to prosecute with or without prejudice is ordinarily within its discretion." The Shell Co. (P.R.) Ltd. v. Los Frailes Serv. Station, Inc., 605 F.3d 10, 26 (1st Cir.2010).

"The court has no obligation to play nursemaid to indifferent parties." Pinto v. Universidad De Puerto Rico, 895 F.2d 18, 19 (1st Cir.1990). Therefore, under this "[C]ourt's ... unquestionable authority to

dismiss a case ... for want of prosecution in order to prevent undue delay in the disposition of pending cases, docket congestion and the possibility of harassment of defendant," Jardines Ltd. Partnership v. Executive Homesearch Realty Serv. Inc., 178 F.R.D. 365 (D.P.R. 1998), the court hereby dismisses plaintiff's suit **without prejudice** pursuant to FED.R.Civ.P. 41(b). Final judgment dismissing the case without prejudice shall be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, October 28, 2015.

s/ Juan M. Pérez-Giménez
JUAN M. PEREZ-GIMENEZ
SENIOR U.S. DISTRICT JUDGE